

# UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

Moises Avila-Garcia

Case No: 5:10-CR-157-1BR

USM No: 53297-056

Date of Original Judgment: October 4, 2010

Date of Previous Amended Judgment: \_\_\_\_\_

*(Use Date of Last Amended Judgment if Any)*

Robert E. Waters

*Defendant's Attorney*

## ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment *(as reflected in the last judgment issued)* of 168 months **is reduced to** 135 months.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

*(Complete Parts I and II of Page 2 when motion is granted)*

Except as otherwise provided, all provisions of the judgment(s) dated October 4, 2010, shall remain in effect. **IT IS SO ORDERED.**

Order Date: 12/10/2015

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Effective Date: \_\_\_\_\_  
*(if different from order date)*

W. Earl Britt, Senior U.S. District Judge

*Printed name and title*